

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JESSICA MICHELLE SHORTER,

Plaintiff,

v.

No. 2:20-cv-00800-KRS

SHANNON CARTER, et al.,

Defendants.

ORDER TO CURE DEFICIENCY

THIS MATTER comes before the Court on Plaintiff's Indigency Request for Free Process, Doc. 5, filed August 10, 2020. Plaintiff also filed a complaint but did not pay the \$400.00 fee¹ for instituting a civil action or file an "Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)."

The statute governing proceedings *in forma pauperis* states that the Court may authorize the commencement of a civil action without prepayment of fees and costs "by a person who submits an affidavit *that includes a statement of all assets* such prisoner² possesses." 28 U.S.C. § 1915(a)(1) (*emphasis added*). Section 1915 also provides that the "officers of the court shall issue and serve all process, and perform all duties in [proceedings *in forma pauperis*]"). 28 U.S.C. § 1915(d).

Plaintiff shall have twenty-one (21) days from entry of this Order to either pay the \$400.00 fee or file an "Application to Proceed in District Court Without Prepaying Fees or Costs (Long

¹ The fee for instituting any civil action, suit or proceeding is comprised of a \$350.00 filing fee, *see* 28 U.S.C. §1914, and a \$50.00 administrative fee.

² "Section 1915(a) applies to all persons applying for IFP status, and not just to prisoners." *Salgado-Toribio v. Holder*, 713 F.3d 1267, 1270 (10th Cir. 2013).

Form).” Failure to timely pay the fee or file an “Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)” may result in dismissal of this case without prejudice. Any papers that Plaintiff files in response to this order must include the civil cause number (No. 2:20-cv-00800-KRS) of this case.

IT IS ORDERED that:

- (i) Plaintiff shall, within 21 days of entry of this Order, either pay the filing fee or file an “Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form).” Failure to timely pay the fee or file an “Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)” may result in dismissal of this case without prejudice.
- (ii) **IT IS ALSO ORDERED** that the Clerk shall mail to Plaintiff, together with a copy of this Order, an “Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form).”



UNITED STATES MAGISTRATE JUDGE